

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:  
NIASPAN ANTITRUST LITIGATION**

**MDL NO. 2460**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**MASTER FILE NO. 13-MD-2460**

**ORDER**

**AND NOW**, this 13th day of August, 2019, upon consideration of Direct Purchaser Class Plaintiffs' Motion for Class Certification (Document Nos. 577 & 579, filed December 19, 2019), defendants' Memorandum of Law in Opposition to Direct Purchaser Plaintiffs' Motion for Class Certification (Document Nos. 606 & 607, filed February 25, 2019), and Reply in Further Support of Direct Purchaser Class Plaintiffs' Motion for Class Certification (Document Nos. 624 & 625, filed March 25, 2019), and following Hearings on May 14, 2019, and July 23, 2019, for the reasons stated in the accompanying Memorandum dated August 13, 2019, **IT IS ORDERED** that Direct Purchaser Class Plaintiffs' Motion for Class Certification is **GRANTED**.

**IT IS FURTHER ORDERED** as follows:

1. The following Direct-Purchaser Plaintiff ("DPP") class is hereby **CERTIFIED** pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(3):

All persons or entities in the United States and its territories who purchased brand name Niaspan directly from any defendant, and generic Niaspan (extended-release niacin) at any time during the period April 5, 2009 through June 26, 2014; or who purchased generic Niaspan (extended-release niacin) directly from any defendant during that time period; or who purchased brand name Niaspan directly from any defendant at any time after April 5, 2009 but ceased operations before generic Niaspan entered in September 2013. Excluded from the class are the defendants, their officers, directors, management, employees, subsidiaries, and affiliates, and all federal governmental entities;

2. The following plaintiffs are **APPOINTED** as representatives of the DPP class:  
Rochester Drug Co-Operative, Value Drug, and Professional Drug Company Inc.;

3. The law firms of Berger Montague PC, Garwin Gerstein & Fisher LLP, and Hagens Berman Sobol Shapiro LLP are hereby **APPOINTED** as Co-Lead Counsel to the DPP class; and

4. Within 30 days of the date of this Order, the parties shall submit an agreed-upon proposed notice program and a form of notice to DPP class members. If the parties are unable to agree on the proposed notice program and/or form of notice, they shall submit separate proposals by that date.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**